REMARKS/ARGUMENTS

In the present Response, Applicants have amended Claims 3, 4, 5, 6, 7, 8, 10, 11, 12, 15, 17, 18, 20 and 22; no Claims have been added; Claims 28-61 were previously withdrawn. Thus, Claims 1-27 are pending in the case.

In the Office Action, paragraph 2, the Examiner objected to the drawings as failing to show features identified in claims 8, 12 and 24, that being -

> Claim 8: Contact points associated with the tray, the pallet and the top piece so that a vertical load is transmitted through these contact points or surfaces from the top piece to each tray thereinbelow to the pallet in a more uniformly distributed manner when a tray is stacked upon the pallet or a plurality of trays is stacked upon the pallet and the top piece is stacked upon a top tray.
>
> Claims 12 and 24: At least two transverse ribs projecting from a bottom of the top piece, each with a contacting surface for contacting either a pallet or tray thereinunder.

With respect to Claim 8, the contact points are generally shown in the Figures. Specifically, one such configuration is identified by reference number 48 shown in Figures 9 and 10 and reference number 38 in Figure 7. The Specification describes these elements as:

> Each tray, the pallet and the top piece have other contact points or surfaces . . . so that a vertical load is transmitted through these contact points or surfaces from the top piece to each tray thereinbelow and to the pallet in a more uniformly distributed manner when a tray is stacked upon the pallet or a plurality of trays is stacked upon the pallet and the top piece is stacked upon a top tray. (Spec. 4/9-4/16).
>
> For added support, the tray 40 has a plurality of parallel transverse ribs 48 (Figures 9 and 10) formed in the bottom surface 42 thereof running perpendicular to the channels 53. When the trays are stacked on top of each other, the bottom surfaces 48a of these transverse ribs 48 are in direct contact with the top surfaces of the higher longitudinal walls 54 from the trays underneath. With this configuration, the load of trays and the loads in the trays are transmitted through the longitudinal walls to the transverse ribs to the pallet at the bottom of the system and ultimately to the floor or a supporting surface underneath the pallet. This is important because this design enables a more uniform distribution and transmitting of the vertical loads of the system. (Spec. 12/19-12/28).

> It should be noted that while Figure 9 and Figure 10 show continuous transverse ribs 48 spanning the width of the tray 40, other configurations, such as short, collinear ribs or pillars can be used to strengthen the trays and act as contact points for transmitting the forces applied to the tray. (Spec. 13/12-13/15).
>
> It should be noted that while Figure 7 shows continuous transverse ribs 38 spanning the width of the tray 40, other configurations, such as short, collinear ribs or pillars can be used to strengthen the trays and act as contact points for transmitting the forces applied to the tray. (Spec. 18/18-18/21).

In light of the above, it is believed there is ample support in the specification and figures to support Claim 8.

With respect to Claims12 and 24, the at least two transverse ribs projecting from a bottom of the top piece, the existing Figures 7-9 amply incorporate the shown elements into the top frame.

> For added support, there are also a plurality of transverse ribs on the underside of the top piece. Such transverse ribs are shown in conjunction with the tray 40 in Figures 9 and 10. The ribs for the top frame are configured in the same manner. The bottom surfaces of these transverse top piece ribs are in direct contact to the top surfaces of the longitudinal walls 54 of the tray placed underneath the top piece (similar to the bottom surfaces 48a of these transverse ribs 48 of the tray 40 being in direct contact with the top surfaces of the higher longitudinal walls 54 from the trays underneath). Again, this construction transmits the load (weight) through the ribs on the underside of the top piece, to the longitudinal walls and the transverse ribs of each tray, to the pallet at the bottom of the unit or system, and ultimately to the floor or a supporting surface underneath the pallet in a more uniform and distributed manner. Again, this design enables a more uniform distribution and transmitting of the vertical loads of the system. The top pieces can therefore be constructed with less material and strength requirement. (Emphasis Added)(Spec. 14/21-15/6).

It is submitted that the above explanation and incorporation make the requested modification of the figures to support Claims 12 and 24 unnecessary. In short, the elements claimed in Claims 12 and 24 are supported in the figures as filed; no modification is required.

In light of the above, Applicants request the Examiner to withdraw the objection to the figures.

In paragraph 3 of the Office Action, the Examiner rejected Claims 6-12, 15-27 under 35 U.S.C. § 112 as being indefinite. Correction has been made to the claims to overcome these rejections based upon form. All claims should now be in proper form.

Finally, paragraphs 4 and 5 of the Action reject Claims 1-2 and 13-14 as being anticipated (35 U.S.C. §102) by Mitsumori (U.S. Patent No. 4,445,614).

Mitsumori discloses a packaging container (5) with a pallet (P) in which the container and the pallet can be separated from one another. The container with the pallet can be freely moved to a desired place by forklift once articles are placed within the container. The specification of this patent makes clear that the separable pallet (P) forms the bottom (1a) of the box. Though the terms "box" and "container" are used, the element - 5 - secured to the pallet (P) is bottomless.

Contrarily, as set forth in Applicants' Claims 1 and Claim 13, Applicants' carrier supports goods thereon or therein. Claims 2 and 14 identify the carrier as a "modular tray." The plain meaning of these terms means that the carrier has a bottom, which is structurally different than Mitsumori. As a result, Claims 1, 2, 13 and 14 patently distinguish over the Mitsumori references cited.

In view of the above, all pending claims are believed to be in condition for allowance; an action to this end is earnestly requested. If it would expedite the progress of this Application through the examination process, the Examiner is authorized to call the undersigned attorney.

A Petition for a One Month Extension of Time within which to submit this Response is included.

The Examiner and Commissioner are hereby authorized to charge any fees or additional fees associated with this Response or refund any overpayments associated with this Response to our deposit account, Deposit Account No. 23-0280.

Respectfully submitted,

Dated: 29 Dec. 2003

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CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop Fee Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Dec. 29, 2003.

Kathleen Rundquist

Kathleen Rundquist/190446.1